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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,486	08/07/2001	Garrick T. Wager	42365-00320	2298

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EXAMINER

BARNIE, REXFORD N

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/923,486	<b>Applicant(s)</b> WAGER ET AL.	
	<b>Examiner</b> REXFORD N. BARNIE	<b>Art Unit</b> 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 35-53 is/are allowed.
- 6) ☐ Claim(s) 1-34 and 54-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*Rexford Barnie*  
REXFORD BARNIE  
PRIMARY EXAMINER

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 56 is objected to because of the following informalities: There are two claims 56. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 9-11, 15, 17, 20, 21 and 54-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Myers et al. (US Pat# 6,618,594).

Regarding claim 1, Myers et al. teaches an over the air zone assignment for wireless telephony systems which includes a method for defining a zone comprising the steps of

identifying a first physical location (see col. 3 lines 23-27)

defining a first zone upon the identifying step wherein the first zone comprises a first level of user service; and electronically displaying the first zone on a first map of a geographical area in (see col. 3 lines 28-col. 4).

Regarding claims 9-11 and 15, Myers teaches billing calls at a first rate (without incurring roaming or out of network charges). Identifying a location of a user by displaying this on an interface is taught by Myers.

Regarding claims 17, 20 and 21, Myers teaches defining a boundary as desired, displaying maps, landmarks, street and so forth in (see col. 3).

Regarding claims 15 and 54-57, Myers teaches the claimed subject matter.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6, 12, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al..

Regarding claims 2, 18 and 19, Myers fails to teach receiving and address information and mapping it on a map.

The examiner takes official notice that it's well known to put in an address information and then displaying location information for driving purposes such as in the case of mapquest wherein information can be displayed using some variation of color.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of being able to map location information on a device for purposes including location identification in an unfamiliar area and driving purposes.

Regarding claims 3-6, Myers teaches a user interface which can display location information in (see col. 3 lines 56-59).

Regarding claim 12, Myers teaches the ability to define a zone based on current location and would have been obvious to one of ordinary skill in the art based on Myers teaches on defining radius and so forth to define a zone as desired in order to avoid paying roaming charges (see col. 3 lines 60-67).

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al. in view of Larkins (US Pat# 6,295,291) or Rosenberg et al. (US Pat# 6,628,934)

Regarding claims 7-8, Myers fails to teach in detail the subject matter of using security information to access a server to subscribe to a service.

Larkins et al. teaches a setup of new subscriber radiotelephone service using the internet in (see figs.) wherein a user has to provide some form of identification in order to provision or subscribe to a service.

Rosenberg teaches systems and methods for automatically provisioning wireless services on a wireless device in (see figs.-fig. 5) wherein authentication ID has to be provided.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rosenberg or Larkins into that of Myers thus preventing false or fraudulent usage of one's account.

Regarding claim 9, see the explanation as set forth regarding claims 7-8 in addition to the fact that Myers teaches displaying a physical location.

Claims 13, 14, 16 and 22-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al. in view of Tell et al. (US Pat# 6,256,504) or Vendetti et al. (US Pat# 5,295,180).

Regarding claims 13, 14 and 16, Myers fails to teach defining zones base on home or work zone.

Vendetti teaches a cellular telephone zone system in (see figs. 2-4) that a plurality of zones can be defined and then charging users based on different rates for making calls in these zones in (see cols. 4-5).

Tell et al. teaches a method for determining when a communications unit is located within a preferred zone in (see fig. 4 and cols. 2-6) wherein zones can be selected to be associated with a certain rate by a user and then billing subsequent calls with such rates.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either one of the secondary reference into that of Kang thus making it possible to track and determine location of user's and billing them accordingly as an incentive to attract users and possible, for assistance, a well known fact.

Regarding claim 22-34, The combination including Tell teaches being able to input in a street address which would be translated into zone information for billing

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purposes including billing the user at a low rate when calls are made from this zone in (see col. 2 line 59-66 of Tell). The combination renders obvious the ability to define a plurality of zones in (see col. 5 of Tell et al.).

***Allowable Subject Matter***

Claims 35-53 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is 571-272-7492. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER  
REXFORD BARNIE  
09/07/05

  
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